

**COMMONWEALTH OF MASSACHUSETTS**

**SUFFOLK, SS**

**State Building Code Appeals Board<sup>1</sup>**  
**Docket No. 05-313**

Patrick A. Stevens,	)	
Appellant,	)	
	)	
v.	)	
	)	
Town of Reading and C. Glen	)	
Redmond,	)	
Appellees	)	

**BOARD'S RULING ON APPEAL**

**Procedural History**

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from 780 CMR 3603.14.2 (Guardrails) and 780 CMR 3603.14.2.1 (Guardrail details), 780 CMR 3603.14.2.2 (Guardrail opening limitations) and 780 CMR 114.0 (permit fee) of the Massachusetts State Building Code ("MSBC") for a residence located at 282 West Street, Reading, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on October 17, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board. The Appellant appeared for the hearing pro se. There was no representative present from the Town of Reading Building Department and Fire Department.

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<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

### Discussion

A motion was made to Grant the Appellant's request for a variance from 780 CMR 3603.14.2 and 780 CMR 3603.14.2.1, 780 CMR 3603.14.2.2 and 780 CMR 114.0 of the MSBC because the sunroom construction as described at the hearing has aluminum framing eighteen inches high with tempered glass. There are tempered glass sliding windows above the aluminum framing; this design meets the intent of the MSBC. This sunroom is a room, not a porch or a balcony or an area where the code would require a railing. Motion carried 3-0.

### Conclusion

The Appellant's request for variance from 780 CMR 3603.14.2 and 780 CMR 3603.14.2.1, 780 CMR 3603.14.2.2 and 780 CMR 114.0<sup>2</sup> is hereby **GRANTED**.

**SO ORDERED.**

  
HARRY SMITH

  
ALEXANDER MACLEOD

  
KEITH HOYLE

DATED: January 8, 2007

*\* In accordance with M.G.L. c. 30A § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.*

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<sup>2</sup> Although the Appellant sought a variance for 780 CMR 114.0 (permit fee) he conceded that he did not pay the permit fee because his building permit application was denied. The permit fee was not required at the time the building permit application was filed.